

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CANTEEN VENDING COMPANY,  
Individually and on behalf of a class of all those  
similarly situated,

Plaintiff,

vs.

CADBURY ADAMS CANADA, INC.,  
CADBURY SCHWEPPE'S PLC, HERSHEY  
CANADA INC., THE HERSHEY COMPANY,  
MARS CANADA INC., MARS, INC., MARS  
NORTH AMERICA, MARS SNACKFOOD  
INC., NESTLE CANADA INC., NESTLE S.A.,  
and NESTLE USA,

Defendants.

Case No.: 08 CV 01205 (PKC)

ECF CASE

STIPULATION  
AND [PROPOSED] ORDER

PKC

WHEREAS Plaintiff filed a Complaint in the above-captioned case on or about  
February 6, 2008;

WHEREAS Plaintiff alleges price fixing of chocolate;

WHEREAS more than sixty complaints have been filed to date in federal district  
courts throughout the United States by plaintiffs purporting to bring class actions on behalf of  
direct and indirect purchasers alleging antitrust violations by manufacturers, distributors, and  
sellers of Chocolate (collectively "the Chocolate Cases");

WHEREAS several motions are pending before the Judicial Panel on Multidistrict  
Litigation to transfer the Chocolate Cases for coordinated and consolidated pretrial proceedings  
pursuant to 28 U.S.C. Section 1407, and plaintiff and defendants The Hershey Company, Mars,

Incorporated, and Nestle U.S.A., Inc. (collectively, "the Chocolate Companies") anticipate that additional responses will be filed;

WHEREAS plaintiff anticipates the possibility of Consolidated Amended Complaints in the Chocolate Cases;

WHEREAS plaintiff and the Chocolate Companies have agreed that an orderly schedule for any response to the pleadings in the Chocolate Cases would be more efficient for the parties and for the Court;

WHEREAS no prior extensions have been granted; and

NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the undersigned counsel for all parties herein, subject to approval of the Court, as follows:

1. The deadline for the Chocolate Companies to answer, move, or otherwise respond to plaintiff's Complaint shall be extended until the earliest of the following dates: (1) forty-five days after the filing of a Consolidated Complaint in the Chocolate Cases; or (2) forty-five days after plaintiff provides written notice to the Chocolate Companies that plaintiff does not intend to file a Consolidated Complaint, provided however, that in the event that the Chocolate Companies should agree or be ordered to respond prior to that date in any Chocolate case, the Chocolate Companies will respond to the Complaint in the above-captioned case on that earlier date.

2. The defense counsel identified below shall accept service of the complaint filed in this case, including any amended or consolidated complaint, on behalf of the domestic entities that they represent. Defendants shall not contest the sufficiency of process or service of process; provided, however, that by entering into this Stipulation no Defendant waives any other

defense, including but not limited to the defense of lack of personal or subject matter jurisdiction, improper venue, or service of an improper entity.

3. The plaintiff will not seek discovery until the Judicial Panel on Multidistrict Litigation rules on the pending motions to transfer and the transferee district enters a case management order, provided, however, that in the event that the Chocolate Companies should agree or be ordered to provide discovery in any Chocolate case before that date, the Chocolate Companies will simultaneously provide the same discovery to the plaintiff in the above-captioned action.

4. This extension is available, without further stipulation with counsel for plaintiff, to all named defendants.

Dated: March 12, 2008

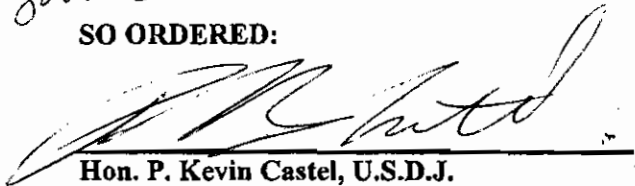
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Attorney for Plaintiff Canteen Vending Company

*This Stipulation and Order is subject to modification for good cause shown.*

SO ORDERED:

  
Hon. P. Kevin Castel, U.S.D.J.

*3-13-08*

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